GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.

Labour Dispute.—Industrial Dispute between the Workmen and the anagement of Ponnathmotte Estate, Suntikoppa Post, Coorg District.

Award of the Labour Court, Mangalore—Published.

Read the following papers :

(1) Letter No. R/ID/LCM/79/68 dated 31st July 1969, from i Mohd. Hameeduddin Khan, Presiding Officer, Labour Court, Manga- re.

BEFORE THE LABOUR COURT AT MANGALORE.

Dated 31st day of July 1969.

Reference (ID) (LCM)No. 79 of 1968. (No. 6/1968)

Present :

Sri Mohd. Hameeduddin Khan, B.SC., LL.B., *Presiding Officer.*

etween.—

The Workmen represented by the Secretary, Estate Staffs nion of South India, Mysore State Branch, Chikmagalur. ... *I Party*

and

The Management of Ponnathmotte Estate, Sunticoppa, Post, coorg District. ... *II Party*

The I Party is represented by Mr. P. H. Pinto and the II 'arty is represented by Sri K. Ramadas. The representatives or the parties filed a Joint Memo of Settlement today. Sri K. Ramdas indentfied the signature of the II Party Sri Vasant Kumar on the joint memo of settlement, and Mr. P. H. Pinto has lso identified his signature thereon. Hence, it was recorded.

2. The facts of this case are that the Government of Mysore eing of opinion that an industrial dispute exists between the work- nen and the management of Ponnathmotte Estate, Sunticoppa, Coorg, referred it under Section 10 (1) (c) of the Industrial Disputes Act, 1947, *Vide* Order No. FCL 89 I.I.D 67 dated 29th

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January, 1968, to the Labour Court at Bangalore for adjudication setting out the following points of dispute:

> "Whether the management of Ponnathamotte Estate, Sunticoppa Post, Coorg District, is justified in retrenching the writer Sri A. R. Poovaiah, with effect from 1st August 1967? If not, is he entitled to reinstatement with back wages and continuity or service or to any other relief, if any?"

3. On receipt of the reference on 30th January 1968 it was registered as Reference No. 6 of 1968 on the file of the said Court. Claim statement was received on 27th February 1968 and the written statement was received on 14th March 1968 by post. Thereafter this case was transferred to this Labour Court at Mangalore *Vide* Government Order No. FCL 375 LLF 67 dated 17th May 1968. On receipt of which it is was registerd as Reference (ID) (LCM) No. 79 of 1968 on the file of this Court, and notices were issued to the parties. On 11th March 1969 in view of the pleadings additional issues were framed.

4. The case of the I Party as contained in the claim statement is that the worker Sri A. R. Poovaiah had been the estate writer in Ponnathamotte Estate, Sunticoppa P. O., Coorg District belonging to Smt. M. S. Rajamma. "Sangameswara Nilaya", Mahadevpet, Mercara with effect from March 1947. Since then he had continued in his job without any break and giving full satisfaction to his employer. The management *vide* their notice dated 25th July 1967 served a retrenchment order on this staff removing him from service from 1st August, 1967. It is stated that the retrenchment is unwarranted. There are no trade or efficiency reasons. No economy will be effected with retrenchment of Sri Poovaiah since new people have been taken into employment to do the work of the staff. There has been no retrenchment of any workers except the staff—two in number. The retrenchment has been effected only with *mala fide* intention as a reprisal for the demands made by the staff concerning bonus, overtime and other benefits. The retrenchment is also in violation of Section 33 of the Industrial Disputes Act as a dispute is pending before the Labour Officer, Coorg Division, Mercara. Lastly it was prayed that the illegal retrenchment order may be set aside and an award for reinstatement of the employee with back wages and continuity of service may be passed.

5. The II Party in the counter statement admitted the fac of Sri A. R. Poovaiah being retrenched from service of the I Party with effect from 1st August, 1967. It is stated therein that the compensation amount with notice pay was sent to Sri Poovaiah by money order which he refused to receive. The proprietor of the estate Sri M. C. Shanthmallappa passed away in the year 1966 and the estate is now managed by the wife of late Sri M. C. Shanthamallappa and his sons. In order to effect economy and also because the sons were directly managing the estate there was no need for a writer. Hence, Sri A. R. Poovaiah and the other writer were retrenched. The allegation of the I Party that the retrenchment was due to *mala fide* was denied, and set out further that no writer has been employed by the II Party after Sri A. M. Poovaiah was retrenched. The II Party is not guilty of violation of Section 33 of the Industrial Disputes Act. No dispute was pending before the Labour Officer, Coorg Division on the date of retrenchment of Sri A. M. Poovaiah. It is stated that the I Party is not entitled to any relief of claim he has sought for in his claim statement, and it was requested that the reference may be rejected.

6. On these pleadings the following additional issues were framed apart from the points of Dispute on 11th March 1969:

1. Whether the retrenchment of the I Party workman has been effected only with *mala fide* intention as a reprisal for the demands made by the staff concerning bonus, overtime and other benefits?
2. Whether the retrenchment of the I Party workman is also in voilation of Section 33 of the Industrial Disputes Act as a dispute is pending before the Labour Officer, Coorg Division, Mercara?
3. Whether new people have taken into employment to do the work of the staff by the II Party?
4. To what relief, if any, is the Party workman entitled?
5. What Award?

7. By this settlement the II Party agreed to pay a sum of Rs. 3,250 (Rupees three thousand two hundred and fifty only) on or before 26th July, 1969 and further a sum of Rs. 3,250 (Rupees three thousand two hundred and fifty only) at the time of vacation of quarters occupied by Sri A. R. Poovaiah given to him in the II Party estate. The I Party agreed that Sri A. R. Poovaiah

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should vacate the quarters on or befor the 30th of August 1969. The I Party further agreed that they have no further claim on the II Party management in the above dispute. The I Party agreed that Sri A. R. Poovaiah will have no further claim of any sort whatsoever including the one he has set up against the II Party on the basis of letters alleaged to have given to him by Late Sri M. C. Shanthamallappa. Both the parties prayed that an award may be passed in terms of the above settlement. In my view, the terms of the settlement are just, fair and equitable, and therefore the Joint Memo of Settlement is accepted. I make the following Award:

AWARD

An Award is passed in the terms of the joint memo of settlement copy, of which shall form part of this award. The parties are directed to bear their respective costs of this reference.

Mohd. Hameeduddin Khan,
Presiding Officer,
Labour Court, Mangalore

Mangalore.
31st July, 1969